

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 09, 2017

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00PM. Council members in attendance: West, Ladwig, Miller, Baker, Rotwein.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION

1. Conference with legal counsel regarding active litigation. *Tsurai Ancestral Society vs. City of Trinidad.* Pursuant to California Government Code section 54956.9 (a).
2. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957.

IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT – Nothing to report.

V. APPROVAL OF AGENDA

City Manager requested to remove Discussion #4 and bring back to a future meeting.

*Motion (West/Rotwein) to approve the agenda as amended, removing Consent #4. **Passed unanimously.***

VI. APPROVAL OF MINUTES – No minutes to approve.

VII. COUNCIL REPORTS

Ladwig: Nothing to report.

Baker: Nothing to report.

West: Nothing to report.

Miller: Nothing to report.

Rotwein: OES Wildfire updates, Great American Shakeout Campaign & Tsunami Preparedness. Fortuna is preparing a drone policy. Tribal Council Liaison; Tsunami Siren relocation, stormwater project tie-in, active shooter training on the 21st of August. Halibut Fishing is good. Asked Berman for a capital improvement plan timeline.

City Manager Berman highlighted various staff activities; Tennis/Pickleball, Girl Scout Ruby Jordan volunteered to paint the parking curbs in front of tennis court, staff is processing STR complaint, and asked Lt. Miller to attend September Council meeting to discuss law enforcement issues. OWTS program timeline will be ready by September meeting.

VIII. ITEMS FROM THE FLOOR

Jim Cuthbertson – Trinidad

ADA Complaint can be heard during agenda item 2. I also haven't heard back from the City Manager regarding my request for arm chairs at the City meetings.

Steve Ruth – Trinidad

There should be fines for people that do not comply with septic inspections. There should be signs in rentals that educate visitors on what should not go into a septic system. Picking on one person and not others seems unfair (Hedge issue on Ocean Ave). Perhaps the City can deputize Staff so they can write tickets.

Dorothy Cox – Trinidad

Has Jack Beaupre received a response from his complaints? I believe this was a significant violation. I can't get a simple response from anyone from the City – staff or Councilmembers.

Dan Cox – Trinidad

The City Manager gets paid too much and does not respond to complaints. He doesn't respond to anyone and there are only 3 streets in this town. Get a new manager. He should be let go. This is not fair.

Kathleen Lake – Trinidad

Complaints are not being addressed. I agree with Dan Cox that the City Manager is not doing his job.

Tom Davies – Trinidad

The Mayor seemed like he didn't want Dorothy Cox to criticize you so you tried to shut her down. Answer respectfully or don't at all.

IX. CONSENT AGENDA

1. Financial Status Reports for June 2017.
2. Law Enforcement Report for July 2017
3. Staff Activity Report for July
4. Letter Authorizing removal of Alder Tree in Van Wycke St. Right-of-way.

*Motion (Rotwein/Ladwig) to approve the Consent Agenda as submitted. **Passed unanimously.***

X. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding Removal of John Hedrick from the Trinidad Planning Commission.

The City Council appoints Planning Commissioners, and has the power to remove them from office. The City has received a complaint regarding the behavior of Commissioner Hedrick where as part of a minor dispute unrelated to City business, Commissioner Hedrick used his role and authority as a Planning Commissioner as an explicit threat, suggesting that the other party would have difficulty getting fair treatment from the Planning Commission because of their dispute.

Staff sees this as an egregious violation of the City's Code of Conduct for appointed and elected officials. Council members have encouraged staff to place this item on the agenda for discussion and possible removal of Commissioner Hedrick from the Planning Commission.

Public comment included:

John Hedrick – Planning Commissioner

The complainer was hostile and drinking. She acted like she owned the place. I told her I was a City planning commissioner. She apologized later. This is a waste of your time, and you should be addressing the death trap that is Scenic Drive. If this doesn't go right, you'll be hearing from me again in the press about your lack of response to the dangers of Scenic Drive.

Michael Neidhaur – Trinidad Area Resident

I was with John. The complainer was abusive to us and should not be treating people that way.

Council comments included:

Miller: I'm concerned about Hedrick's conduct and attendance issues.

Rotwein: Hedrick clearly violated the Code of Ethics and should be removed.

*Motion (Rotwein/Ladwig) to remove John Hedrick from the Planning Commission. **Passed unanimously.***

2. Discussion/Decision regarding Allocation of Capital Reserve Funds for priority ADA projects.

City Manager Berman explained that the City has a list of improvements needed to Town Hall for ADA compliance, including parking, replacing the water fountain, door thresholds, and signage. This year's budget includes funding for a few of the smaller projects, but will not support full implementation of the Town Hall ADA projects. Staff are proposing the Council allocate up to \$35,000 from the Capital Assets Reserve Fund for ADA compliance projects at Town Hall, and provide direction on priority projects.

The City had ADA Access Surveys conducted in 2013 for Town Hall, the Memorial Lighthouse, and curb ramps and sidewalks throughout the City. All three Surveys identified many items that are not compliant with the ADA. Since those assessments, the City has focused ADA efforts on improvements to Town Hall. New railings have been added to the front steps and the side entrance. New signage has been installed at multiple locations. New wider double doors have been added at the exterior side entrance, and the interior

entrance to the Main Hall. The labelled ADA parking space in front of the Hall is not fully compliant. The two front doors – to the Clerk's Office and the Civic Club Room, are not compliant, although access is possible to both through the side entrance. The City is also awaiting guidance from a County hired consultant regarding ADA improvements to the Library entrance.

Staff's priority ADA projects for 2017-18 (if Reserve Funding is approved)

1. **ADA Parking Space in front of the Clerk's Office – Cost Estimate: \$25,000 (based on prior bids)** *The City received bids for this in 2015, but the bids were in the \$25,000 range and we only had \$10,000 available so we did not go forward. Staff will start with a review of the design options in search of a less expensive solution.*
2. **Replacement of Foyer Drinking Fountain:** **Rough Estimate - \$2,500**
3. **Interior ADA Signage:** **Estimate \$500**
4. **Push-button operation for Main Hall Exterior Doors*** **Estimate needed**
**(Note – this is not required under ADA, but has been requested by public and recommended by City Attorney)*
5. **East Emergency Exit** **Design and Estimate needed**
6. **Thresholds for Clerk Office and Civic Club doors** **Design and Estimate needed.**

The Capital Asset and Special Project Reserve fund has a balance of \$350,000. This proposed allocation, if fully utilized, would reduce that total by \$35,000 to \$315,000. ADA compliance is legally mandated, and failure to do so poses ongoing legal and fiscal liability for the City. Having these ADA Surveys, and being able to show steady progress towards addressing the issues identified is a key step in defending ourselves against ADA lawsuits.

Alternatives:

1. Within the existing approved budget, the City could proceed with the water fountain, signage, and generating designs and cost estimates for the remaining interior projects. The parking spot would not be addressed. The push-button doors might be feasible, depending on final costs.
2. Council could wait to allocate reserve funds until more detailed individual designs and cost estimates are generated. (Staff's current recommendation would approve the use of the Reserve Funds now, but the more detailed designs and costs will still come back to Council as the projects are developed.)

Public comment included:

Jim Cuthbertson – Trinidad

The rules simply say that if you upgrade, you have to be able to open it from a wheelchair. I was told by the manager that there would be a line item in the budget for automatic opening of the Town Hall door. So will it be done, or not?

Steve Ruth – Trinidad

Authorize \$35,000 tonight and consult with Cuthbertson on how the money should be spent.

Council comments included:

Baker: I agree that \$35,000 is a reasonable amount to start with.

Ladwig: Direct staff to complete the door automation.

Rotwein: We need to determine where the best parking space will be, but also cost out all the projects; Drinking fountain, push button door, door thresholds, etc. I agree we should start with a \$35,000 allocation.

*Motion (Rotwein/West) to bring back estimates for the drinking fountain, push button entry, parking improvement, threshold improvements, and purchasing a few arm chairs at the next meeting for consideration. **Passed unanimously.***

3. Direction regarding Ordinance development relating to Marijuana.

City Manager Berman explained that State Law, including Proposition 64, provides the current guidelines for medical and recreational marijuana use, cultivation, and sale. The City has some powers to set regulations in addition to the State laws.

1. The City can impose reasonable regulations related to health and safety regarding indoor cultivation for personal use. Timing - no deadline
2. The City can impose a ban, or other regulation, on commercial cultivation, personal outdoor cultivation, or retail sales of marijuana or marijuana products. Timing – if this is not in place prior to the State issuing permits for commercial sales or cultivation, then any permits issued would be valid. State permits are expected starting January 2018

Fast-tracking a basic ordinance would be an additional workload on the Planning Commission, City Attorney, and City Planner. In the absence of such an Ordinance, the state laws would govern what is allowable in Trinidad.

Public comment included:

Tom Davies – Trinidad

Trinidad already has an ordinance banning dispensaries. I'm against these businesses and activities in Trinidad. Not getting State money if we don't allow them sounds like extortion.

Vicki Farmer – Trinidad

I agree with Davies. I'm against commercial marijuana production in Trinidad.

Kathleen Lake – Trinidad

Opposed to marijuana cultivation in Trinidad.

Jim Cuthbertson – Trinidad

Agreed with others, no dispensaries or commercial production.

Steve Ruth – Trinidad

Agreed with others. No marijuana businesses in Trinidad.

Council comments included:

Rotwein: In favor of banning retail marijuana establishments or commercial cultivation. Not enough water or law enforcement in town.

West: Ban it as much as possible.

Miller: Ban it. The additional workload is too much. Let's get this done asap.

By consensus, the Council authorized the City Manager Berman to bring back a draft ordinance for review in September.

XI. FUTURE AGENDA ITEMS

- Alder Trees on Van Wycke
- ADA Parking at Town Hall
- OWTS Timeline
- Edwards Street Stabilization
- Report on CalFire Water Service Request
- Legal Fire Lane Width in Public Alleys
- Noise Ordinance
- Street Improvement Priority Plan

XII. ADJOURNMENT

Meeting ended at 7:30 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor